

95 FEB 20 PM 4:18
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of the document
filed of record in the Clerk's Office
and referred to the committee on:

Licensing & Administrative Procedures

Cynthia G. Gaudin
Chief Clerk of the House

By *Joe Craft*

FILED FEB 16 1995

H. B. No. 1353

A BILL TO BE ENTITLED

AN ACT

relating to the bonding or insurance requirements of a political
subdivision for the issuance of certain plumbing permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15, The Plumbing License Law (Article
6243-101, Vernon's Texas Civil Statutes), is amended to read as
follows:

Sec. 15. LOCAL [~~MUNICIPAL~~] RULES AND REGULATIONS. (a)
Every city in this state of more than five thousand (5,000)
inhabitants shall, and any city or town of this state may, by
ordinance or by-law, prescribe rules and regulations for the
materials, construction, alteration and inspection of all pipes,
faucets, tanks, valves and other fixtures by and through which a
supply of water, gas or sewage is used or carried; and provided
that they shall not be placed in any building therein except in
accordance with such rules and regulations; and shall further
provide that no plumbing shall be done except in case of repairing
of leaks, without a permit being first issued therefor upon such
terms and conditions as such city or town shall prescribe; provided
that no such ordinance, by-law, rule or regulation prescribed by
any such city or town shall be inconsistent with this Act, or any
rule or regulation adopted or prescribed by the State Board of
Plumbing Examiners.

(b) A political subdivision that requires a master plumber

THE STATE OF ILLINOIS
OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
JANUARY 1, 1995

[Handwritten signature]
JANUARY 1, 1995

1 to have a bond before the master plumber may be issued a permit by
2 the subdivision shall also accept, instead of a bond, a certificate
3 of insurance that meets the requirements of Subsection (c) of this
4 section.

5 (c) A certificate of insurance must:

6 (1) be written by a company licensed to do business in
7 this state;

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9 for the master plumber for claims for property damage or bodily
10 injury, regardless of whether the claim arises from a negligence
11 claim or on a contract claim; and

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13 for all claims arising in any one-year period.

14 SECTION 2. This Act takes effect September 1, 1995, and
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16 subdivision on or after the effective date of this Act. A permit
17 issued before September 1, 1995, is governed by the law as it
18 existed before the effective date of this Act, and the former law
19 is continued in effect for that purpose.

20 SECTION 3. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended.

95 MAR 17 11:13
HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

HOUSE COMMITTEE REPORT

1st Printing

By Crabb

H.B. No. 1353

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24 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

3-15-95
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HB 1353 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

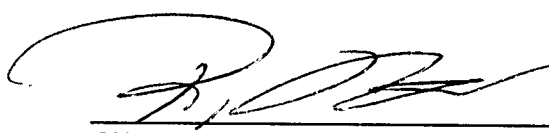
Joint Sponsors _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.	X			
Brimer				X
Dear	X			
Goolsby	X			
Jones, D.	X			
Pickett	X			
Torres	X			
Yarbrough	X			

Total 8 aye
 0 nay
 0 present, not voting
 1 absent


CHAIRMAN

BILL ANALYSIS

Licensing & Administrative Procedures Committee
H.B. 1353
By: Crabb
3-15-95
Committee Report (Unamended)

BACKGROUND

Many cities in Texas require plumbers to secure a license and permit bond before issuing a permit. These bonds are generally in the amounts of one to two thousand dollars, but at times they can reach up to five thousand dollars. They are relatively easy to acquire and generally have a minimum fee of fifty dollars.

However, many cities today will not issue permits to contractors unless they have general liability insurance containing a completed operations clause. Frequently, contractors operating in and around the larger cities in Texas are insured in this manner and still may be required to purchase a license and permit bond in each town they do business.

It is commonly acknowledged that the insurance clearly provides more protection to the consumer and to the city than permit bonds do. Furthermore, cities retain the right to refuse a permit to contractors who have failed to compensate for damages to the city or to a consumer.

PURPOSE

As proposed, HB 1353 requires a political subdivision to accept a certificate of insurance from a master plumber that complies with certain provisions, if they are currently insured, in lieu of a license and permit bond.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15, The Plumbing License Law, Article 6243-101, V.T.C.S.

Sec. 15. New heading: LOCAL RULES AND REGULATIONS. Deletes MUNICIPAL and adds LOCAL.

(b) Requires a political subdivision that requires a master plumber to have a bond before issuing a permit, to accept a certification of insurance that complies with the requirements of Subsection (c).

(c) Requires a certificate of insurance to be:

(1) written by a state licensed business,

(2) to provide for commercial liability insurance, for claims for property damage or bodily injury, whether rising from a negligence claim or a contract claim;

(3) be in a coverage amount of not less than \$300,000 for all claims arising in any one-year period.

SECTION 2. Effective date: September 1, 1995.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE ACTION

H.B. 1353 was heard in a Public Hearing on March 15, 1995. The Chair recognized the following person to testify in favor of the bill:

Mr. Edmund E. Hollub III, Modern Plumbing, Inc.;

The Chair recognized the following person to testify neutral on the bill as a Resource Witness:

Mr. Stanley J. Briers, State Board of Plumbing Examiners;

Representative Yarbrough moved that the full committee adopt H.B. 1353, and that it be reported favorably to the full House with the recommendation that it do pass and be printed. The motion prevailed by the following vote: AYES: 8, NAYS: 0, ABSENT: 1

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 14, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1353
By: Crabb

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1353 (Relating to the bonding or insurance requirements of a political subdivision for the issuance of certain plumbing permits.) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend Article 6243-101, V.T.C.S., by requiring that a political subdivision which requires a master plumber to have a bond before the master plumber may be issued a permit by the subdivision also accept, instead of a bond, a certificate of insurance.

The Act would take effect on September 1, 1995 and would apply only to a permit issued to a master plumber by a political subdivision on or after the effective date of the Act.

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Board of Plumbing Examiners
LBB Staff: JK, ML, DF

2ND READING
ENGROSSMENT

By Crabb

H.B. No. 1353

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(b) A political subdivision that requires a master plumber

1 to have a bond before the master plumber may be issued a permit by
2 the subdivision shall also accept, instead of a bond, a certificate
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5 (c) A certificate of insurance must:

6 (1) be written by a company licensed to do business in
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HOUSE ENGROSSMENT

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1 By: Crabb (Senate Sponsor - Patterson) H.B. No. 1353
2 (In the Senate - Received from the House March 30, 1995;
3 April 3, 1995, read first time and referred to Committee on
4 Intergovernmental Relations; April 12, 1995, reported favorably by
5 the following vote: Yeas 10, Nays 0; April 12, 1995, sent to
6 printer.)

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56 * * * * *

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR

By Crabb/Patterson
(Author/Senate Sponsor)

4/12/95
(date)

1353

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on 4/12/95, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Ellis, Chair	<input checked="" type="checkbox"/>			
Leedom, Vice-Chair	<input checked="" type="checkbox"/>			
Cain	<input checked="" type="checkbox"/>			
Gallegos	<input checked="" type="checkbox"/>			
Galloway	<input checked="" type="checkbox"/>			
Madla	<input checked="" type="checkbox"/>			
Patterson	<input checked="" type="checkbox"/>			
Rosson	<input checked="" type="checkbox"/>			
Shapiro			<input checked="" type="checkbox"/>	
Wentworth	<input checked="" type="checkbox"/>			
Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	10	0	1	0

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

Amy B. Kelley
COMMITTEE CLERK

Karl Leedom
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.B. 1353
By: Crabb (Patterson)
Intergovernmental Relations
04-10-95
Engrossed

BACKGROUND

Many cities in Texas require plumbers to secure a license and permit bond before issuing a permit. These bonds can reach up to \$5,000 and are relatively easy to acquire, and generally have a minimum fee of \$50.

Many cities will not issue permits to contractors unless they have general liability insurance containing a completed operations clause. Frequently, contractors operating in and around larger cities in Texas are insured in this manner and still may be required to purchase a license and permit bond in each town in which they do business.

It is commonly acknowledged that the insurance clearly provides more protection to the consumer and to the city than permit bonds do. Cities retain the right to refuse a permit to contractors who have failed to compensate for damages to the city or to a consumer.

PURPOSE

As proposed, H.B. 1353 requires a political subdivision to accept a certificate of insurance instead of a bond from a master plumber to meets requirements relating to the issuance of certain plumbing permits.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15, Article 6243-101, V.T.C.S. (The Plumbing License Law), as follows:

Sec. 15. New heading: LOCAL RULES AND REGULATIONS. (a) Created from existing text.

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(c) Requires a certificate of insurance to be written by a state-licensed business, to provide for commercial liability insurance for the master plumber for certain claims, and be in a coverage amount of not less than \$300,000 for all claims arising in any one-year period.

SECTION 2. Effective date: September 1, 1995.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

BILL ANALYSIS

Senate Research Center

H.B. 1353

By: Crabb (Patterson)
Intergovernmental Relations
4-18-95

Senate Committee Report (Unamended)

BACKGROUND

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Makes application of this Act prospective.

SECTION 3. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 5, 1995

TO: Honorable Rodney Ellis, Chair
Committee on Intergovernmental Relations
Senate
Austin, Texas

IN RE: House Bill No. 1353,
as engrossed
By: Crabb

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 1353 (Relating to the bonding or insurance requirements of a political subdivision for the issuance of certain plumbing permits.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RS, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 14, 1995

TO: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House of Representatives
Austin, Texas

IN RE: House Bill No. 1353
By: Crabb

FROM: John Keel, Director

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Source: Board of Plumbing Examiners
LBB Staff: JK, ML, DF

From: S7520A5 --TXLCNJE

Date and time 04/12/95 17:49:35

NOTE

Subject: HB 1353 (BILL NO.) WITNESS - INTERGOVERNMENTAL RELATIONS

Revised: _____
WITNESS FORM
74th Legislature

COMMITTEE: Intergovernmental Relations
BILL: HB 1353 _____

DATE: 04 12 95

	FOR	AGAINST	ON
Name: Jim Warren			
Representing: Associated Plumbing-Heating-Co			
City: Austin	x	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
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Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-

PART ____ OF ____

<<<<===== E N D O F F O R M =====>>>>

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Chris Harris, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 1353, by Cranb/INTERSON
(Bill No.) (author)
was heard by the Committee on IGR on 4/12, 1995,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Amy B Kelley
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH ~~14~~ ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO SAM HOUSTON BLDG., ROOM 1005. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 4:00 P.M. FRIDAY.

ENROLLED

H.B. No. 1353

AN ACT

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. LOCAL [~~MUNICIPAL~~] RULES AND REGULATIONS. (a) Every city in this state of more than five thousand (5,000) inhabitants shall, and any city or town of this state may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which a supply of water, gas or sewage is used or carried; and provided that they shall not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no plumbing shall be done except in case of repairing of leaks, without a permit being first issued therefor upon such terms and conditions as such city or town shall prescribe; provided that no such ordinance, by-law, rule or regulation prescribed by any such city or town shall be inconsistent with this Act, or any rule or regulation adopted or prescribed by the State Board of Plumbing Examiners.

(b) A political subdivision that requires a master plumber

1 to have a bond before the master plumber may be issued a permit by
2 the subdivision shall also accept, instead of a bond, a certificate
3 of insurance that meets the requirements of Subsection (c) of this
4 section.

5 (c) A certificate of insurance must:

6 (1) be written by a company licensed to do business in
7 this state;

8 (2) provide for commercial general liability insurance
9 for the master plumber for claims for property damage or bodily
10 injury, regardless of whether the claim arises from a negligence
11 claim or on a contract claim; and

12 (3) be in a coverage amount of not less than \$300,000
13 for all claims arising in any one-year period.

14 SECTION 2. This Act takes effect September 1, 1995, and
15 applies only to a permit issued to a master plumber by a political
16 subdivision on or after the effective date of this Act. A permit
17 issued before September 1, 1995, is governed by the law as it
18 existed before the effective date of this Act, and the former law
19 is continued in effect for that purpose.

20 SECTION 3. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1353

President of the Senate

Speaker of the House

I certify that H.B. No. 1353 was passed by the House on March 29, 1995, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1353 was passed by the Senate on April 26, 1995, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1353⁽¹⁾ was passed by the House
on March 29⁽²⁾, 1995, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1353 was passed by the Senate
on April 26⁽³⁾, 1995, by the following vote:
Yeas 31⁽⁴⁾, Nays 0⁽⁵⁾.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26;

A BILL TO BE ENTITLED
AN ACT

Relating to the bonding or insurance requirements of a political subdivision for the issuance of certain plumbing permits.

2-16-95

Filed with the Chief Clerk

FEB 20 1995

Read first time and referred to Committee on LICENSING AND ADMINISTRATIVE PROCEDURES

3-15-95

Reported favorably (as amended)
(as substituted)

MAR 20 1995

Sent to Committee on (Calendars)

~~4. Local & Consent Calendars~~

MAR 28 1995

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting

MAR 29 1995

Read third time (amended); finally passed (~~failed to pass~~) by a (non-record vote)
(~~record vote of~~ _____ yeas, _____ nays, _____ present, not voting)

MAR 29 1995

Engrossed

MAR 30 1995

Sent to Senate

Cynthia Beahm
CHIEF CLERK OF THE HOUSE
provided by a nonrecord vote.

OTHER HOUSE ACTION:

MAR 30 1995

Received from the House

APR 03 1995

Read and referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 12 1995

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

APR 26 1995

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

APR 26 1995

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ year, _____ days)

APR 26 1995

Senate and Constitutional 3 Day Rules suspended by a vote of 31 years, 0 days

APR 26 1995

Read third time, _____, and passed by (a viva voce vote)
(31 years, 0 days)

4-26-95

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

APR 26 1995

Returned from the Senate (as substituted)
(with amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____

Senate granted House request. Senate conferees appointed: _____, Chair; _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

95 MAR 17 PM 9:13

HOUSE OF REPRESENTATIVES

95 MAR 29 PM 2:47
HOUSE OF REPRESENTATIVES